

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEFFREY LEPSCH,

Petitioner,

v.

WILLIAM POLLARD, Warden,
Dodge Correctional Institution,

Respondent.

ORDER

17-cv-682-wmc

This is a petition for a writ of habeas corpus brought under 28 U.S.C. § 2254. Jeffrey Lepsch, an inmate at Dodge Correctional Institution, is serving a term of life imprisonment without the possibility of parole after being convicted in 2013 of two counts of first-degree intentional homicide, armed robbery and felon in possession of a firearm. He contends that he is in custody in violation of the laws or Constitution of the United States because his trial counsel committed a number of prejudicial errors in connection with jury selection, including failing to raise jury bias issues.

On May 17, 2018, this court screened the petition under Rule 4 of the Rules Governing Section 2254 Cases and directed the state to respond. Dkt. 7. In the same order, the court denied Lepsch's request that the court appoint attorney Steven Zaleski to represent him, but told Lepsch that he could renew his request after submitting a certified trust account statement from the institution and letters from at least three attorneys who declined to represent him *pro bono*.

Lepsch submitted these items and a renewed request for the appointment of Attorney Zaleski on May 29, 2018. Dkt. 11. Having reviewed that request in light of the issues raised in the petition, I find that Attorney Zaleski's appointment is warranted under 18 U.S.C. §

3006A(a)(2)(B).¹ Lepsch is serving a life sentence, he raises substantial constitutional issues in his petition that were addressed in a published decision by the Wisconsin Supreme Court, and Attorney Zaleski is familiar with his case, having represented him during Lepsch's state court appeal.

ORDER

IT IS ORDERED that:

1. Pursuant to 18 U.S.C. § 3006A(a)(2)(B), Attorney Steven Zaleski is appointed to represent petitioner in this case.

2. The current briefing deadline is STRICKEN. Briefing shall proceed as follows:

Petitioner shall file a brief in support of his habeas corpus petition not later than December 17, 2018;

Respondent shall file a brief in response not later than January 17, 2019; and

Petitioner shall file a reply brief not later than February 6, 2019.

Entered this 25th day of September, 2018.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

¹ The court acknowledges that Lepsch has been busy preparing his brief in support of his petition, which would have been due on September 28, 2018. The court apologizes for the timing of this order.